

EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL ROBBINS,

Plaintiff,

No. 11-15140

v.

District Judge Robert H. Cleland
Magistrate Judge R. Steven Whalen

JOHN PAYNE, ET AL.,

Defendants.

**ORDER DENYING PLAINTIFF'S REQUEST FOR COPIES OF MEDICAL
RECORDS FILED UNDER SEAL [Doc. #63]**

On August 25, 2014, Plaintiff filed a request for production of sealed medical records filed by Defendants in conjunction with their August 30, 2013 summary judgment motion. *See Docket #46, 48.* Plaintiff notes that the medical records were cited on page 4, paragraph 2 of my August 14, 2014 Report recommending that summary judgment be granted to movants. *Docket #63, 1* (citing *Docket #62*). Plaintiff contends that he requires the records “to prepare specific objections” to the Report and Recommendation. *Id.*

Plaintiff's request will be denied. First, the summary judgment motion was filed over one year ago. None of Plaintiff's subsequent filings included a request for the sealed documents. Notably, his response to the motion for summary judgment was accompanied by the portions of his Michigan Department of Corrections (“MDOC”) medical records that

he believed were helpful in arguing against a grant of summary judgment.¹ *Docket #50*. He has not alleged until now that he did not possess copies of the relevant medical records.

Further, I included only one direct citation to the medical records in the Report wherein I referred to April 27, 2011 treating records. *Docket #62* at 4. Copies of the same records are attached to both to the Complaint, *Docket #1* at pg. 38 and Plaintiff's response to the summary judgment motion. *Docket #50* at pg. 38. Thus, Plaintiff has not shown that he is unable to provide cogent and timely objections to my August 14, 2014 Report and Recommendation.

Accordingly, Plaintiff's request is DENIED.

IT IS SO ORDERED

s/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: September 3, 2014

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on September 3, 2014, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla
Case Manager to the
Honorable R. Steven Whalen

¹Further, Defendants presumably would have served Plaintiff with copies of any exhibits to the summary judgment motion, regardless of whether the exhibits were filed under seal. Plaintiff has not alleged that Defendants failed to do so.